

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results:

Solids by drying (per cent).....	72. 28
Nonsugar solids (per cent).....	17. 08
Sucrose, Clerget (per cent).....	40. 20
Sucrose, by copper (per cent).....	41. 04
Reducing sugars as invert before inversion (per cent).....	15. 00
Commercial glucose (factor 163) (per cent).....	33. 10
Polarization, direct at 20° C. (°V.).....	+95. 8
Polarization, invert, at 20° C. (°V.).....	+42. 4
Polarization, invert, at 87° C. (°V.).....	+54. 0
Ash (per cent).....	.77
Solids, by Geerlig (per cent).....	73. 36

Adulteration of the product was alleged in the information for the reason that it was labeled "Tea Garden Drips," the term drips indicating that it was a high quality of syrup and molasses obtained from the drainings and bleedings from sugar, and an analysis of said product showed that a substance, to wit, commercial glucose, had been substituted in whole or in part for such drips. Misbranding was alleged for the reason that the statement "drips" borne on the label was false and misleading because it conveyed the impression that the product was a high quality of syrup and molasses obtained from the drainings and bleedings from sugar, whereas, in fact, it was a mixture of syrup and commercial glucose, the statement "sugar, sugar cane and corn syrup" also appearing on the label being in such small type as to fail to correct the false impression conveyed by the word "drips."

On May 13, 1913, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$10 and costs.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *February 4, 1914.*

**2843. Adulteration and misbranding of apple cider and apple juice. U. S. v. National Fruit Products Co. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 3904. I. S. Nos. 17557-c, 17558-c.)**

On August 13, 1913, the United States Attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the National Fruit Products Co., a corporation, Memphis, Tenn., alleging shipment by said company, in violation of the Food and Drugs Act, on or about June 5, 1911, from the State of Tennessee into the State of Georgia, of a quantity of so-called apple cider and a quantity of so-called apple juice, which products were adulterated and misbranded. The product purporting to be apple cider was labeled: "Apple Cider Guaranteed. The contents of this package as originally filled, are guaranteed to be made from apple juice, fortified with sugar. (No distilled spirits, wine, fermented juice of grapes or other small fruits or alcoholic liquors being added) contains 1/10 of 1% Benzoate of Soda and artificial sweetening matter and conforms to the provisions of the Food and Drugs Act as passed by Congress June 30, 1906. We also guarantee the contents of this package as originally filled to be exempt from Internal Revenue Tax. National Fruit Products Co., Memphis, Tenn." The apple juice was labeled: "The contents of this package is made from apple juice fortified with sugar and guaranteed to be exempt from Internal Revenue Tax and conforms strictly with the provisions of the Food and Drugs Act, as passed by Congress June 30, 1906; Contains 1/10 of 1% Sodium Benzoate. National Fruit Products Co., Memphis, Tenn."

Analyses of samples of these products by the Bureau of Chemistry of this Department showed the following results expressed as grams per 100 cc, except where otherwise indicated:

	Apple cider.	Apple juice.
Specific gravity (20°C./4°C.).....	1. 0267	1. 0500
Alcohol (per cent by volume).....	7. 64	8. 55
Solids, by refractometer.....	10. 29	16. 87
Nonsugar solids.....	4. 15	6. 80
Sucrose, by reduction.....	0. 05	0. 21
Reducing sugar, direct, as invert sugar.....	6. 09	9. 86
Polarizations, undiluted:		
Direct 20° C. (°V.) .....	-26. 6	-80. 2
Invert 20° C. (°V.) .....	-24. 8	-78. 8
Invert 87° C. (°V.) .....	-25. 4	-77. 0
Ash .....	0. 37	0. 20
Alkalinity of soluble ash (cc N/10 acid per 100 cc).....	19. 3	8. 7
Soluble phosphoric acid (mg per 100 cc).....	68. 6	6. 6
Insoluble phosphoric acid (mg per 100 cc) .....	20. 1	13. 1
Acid, as acetic.....	0. 62	0. 43
Volatile acid, as acetic.....	0. 37	0. 21
Fixed acid, as malic .....	0. 28	0. 24
Color (degrees, brewer's scale, 0.5 inch) .....	17. 0	3. 5
Commercial glucose (factor 163).....	4. 1	12. 3
Eythrondextrin test.....	Positive but not so distinct as in I. S. No. 17558-c.	Positive.
Saccharin and coal-tar color.....	None detected.	None detected.
Benzoic acid as sodium benzoate.....	0. 11	0. 09
Added vegetable color.....	Caramel probably is present.	None detected.

Adulteration of the first-named product was alleged in the information for the reason that it was not pure apple cider, but an imitation cider made in part by the fermentation of impure starch sugar, containing a high amount of dextrin and being a highly alcoholic compound. Adulteration was alleged for the further reason that the product contained added phosphoric acid, whereas the article purported to be and was so branded and labeled as to imply it was a product made from pure apple cider. Adulteration was alleged for the further reason that there had been added, wholly or in part, and combined with said article, glucose or starch sugar, dextrin, and a fermentation of starch sugar and phosphoric acid, so as to reduce, lower, and injuriously affect the quality of the article. It was alleged in the information that the product was misbranded in that—

(1) The statement, to wit, "Apple Cider, made from apple juice, fortified with sugar," borne on the labels thereof was false and misleading, because it conveyed the impression and was calculated and intended to convey the impression that it was an unfermented apple juice, sweetened with sucrose or cane sugar, whereas, in fact, the product was a mixture of fermented apple juice and starch sugar.

(2) In that it was labeled and branded so as to deceive the purchaser, being labeled "Apple Cider made from apple juice, fortified with sugar," thereby purporting it was an unfermented apple juice sweetened with sucrose or cane sugar, whereas, in truth, it was a mixture of apple juice and starch sugar.

(3) The following statement borne on the label, "Fortified with sugar," was false and misleading, because it conveyed and was intended and calculated to convey the impression that sucrose or cane sugar had been added, whereas, in fact, starch sugar had been added to the said product.

(4) In that it contained the following statement: "No distilled spirits, wine, fermented juice of grapes or other small fruits, or alcoholic liquors being added," whereas, in fact, said article contained approximately 7.64 per cent, by volume, of alcohol.

(5) In that the said label did not disclose the presence or quantity of alcohol contained in said product, as required by said act.

Adulteration of the second-named product was alleged in the information for the reason that there had been added and mixed with the said apple juice a mixture of fermented cider and starch sugar, which had been substituted in part for the product, so as to reduce, lower, and injuriously affect the quality thereof. It was alleged in the information that this product was misbranded—

(1) In that it was labeled and branded so as to deceive and mislead the purchaser, being labeled, "Made from apple juice, fortified with sugar," thereby purporting that it was an apple juice to which sucrose or cane sugar had been added, whereas, in fact, it was a mixture of fermented cider, fermented together to produce a highly alcoholic compound.

(2) In that the following statement, "Fortified with sugar," borne on the label was false and misleading, because it conveyed and was intended to convey the impression that sucrose or cane sugar had been added to the product, when, as a matter of fact, starch sugar had been added to it and not cane sugar.

(3) In that it was labeled and branded so as to deceive and mislead the purchaser, being labeled, "Fortified with sugar," thereby purporting that sucrose or cane sugar had been added to the product, when, as a matter of fact, cane sugar had not been added, but starch sugar had been added.

(4) In that said label did not disclose the presence of alcohol in said product, when, as a matter of fact, it contained alcohol to the extent of 8.55 per cent by volume.

(5) In that said label bore the statement, "Conforms strictly with the provisions of the Food and Drugs Act as passed by Congress June 30, 1906," when, as a matter of fact, the product did not conform with the provisions of said act, in that it was both adulterated and misbranded.

On November 13, 1913, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$25, with costs of \$15.95.

When this case was reported for prosecution, no charge of misbranding was made, because the labels on the products failed to bear a statement showing the quantity or proportion of alcohol present therein.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *February 4, 1914.*

**2844. Alleged adulteration and misbranding of Cordial Non-Alcoholic Rock and Rey. U. S. v. Henry D. Goodman (Fulton Extract and Cordial Works). Demurrer to information sustained. (F. & D. No. 3908. I. S. No. 13276-d.)**

On February 5, 1913, the United States Attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Henry D. Goodman, doing business and trading under the name and style of Fulton Extract & Cordial Works, Brooklyn, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, on December 7, 1911, from the State of New York into the State of New Jersey, of a quantity of so-called Cordial Non-Alcoholic Rock and Rey, which was alleged to have been adulterated and misbranded. The product was labeled: (On barrel head) "Cordial Non-Alcoholic Rock & Rey (W8611 12-8-11)" (Tag): "Mr. A. Kandel 557-559 Market St., Newark, N. J. From Fulton Extract & Cordial Works 817 Myrtle Ave., Brooklyn, N. Y."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed that it was a preparation of water, sugar, glucose, and artificial coloring matters, sold in imitation of rock and rye cordial. Adulteration of the product was alleged in the information for the reason that it contained a substance and substances which